

Certain claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over Bodin in view of Panasik. Other claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over this combination of references and further in view of Freedland. Applicant respectfully traverses these rejections.

In making the rejection, the Examiner has acknowledged that Bodin does not disclose the claimed tool engaging portion exposed for access through the sleeve and relies on Panasik as allegedly showing this feature. The screw 28 of Panasik has a head 48 with a slot 34 to be engaged by the blade of a driving bit 10. In the rejection, the head 48 would replace the hexagonal head 20. The rejection essentially replaces the anchor 14 of Bodin with the screw 28 of Panasik.

What is respectfully not noted in the Official Action is that, in respect of Bodin, when the anchor or screw is being driven it is the cap 12 that is engaged by the tool. Thus there is no relative rotation therebetween the head 20 and cap 12. In respect of Panasik the head 48 is “tightly and securely” (column 3, lines 4 to 10) attached to the cap 30. The head 48 is also engaged with the surface surrounding the counterbore 50 that provides a hexagonal socket (Figure 9). Accordingly in respect of Panasik again the screw 48 rotates with the cap 30. Again there is no relative rotation between the cap and head.

Accordingly in respect of both references there is the failure to disclose a claimed feature of the present invention, that is: providing for rotation of “said rod about said axis relative to said member”.

Panasik has an arrangement in which that the cap 12 is used to drive the screw 14. See column 4, lines 26 to 33 where operation of the assembly is described. In particular the cap 12 is engaged by a wrench with the head 20 of the threaded fastener "pushed within counterbore region 16" to drivingly couple the cap and threaded fastener.

It is argued in the Official Action that it would have been obvious to use the tool engaging portion 34 of Panasik in Bodin. It is respectfully submitted it would not have been obvious since Bodin already has a driving mechanism, that is engagement of the cap 12 with the hexagonal head 20. There is no reason whatsoever to provide Bodin with a second driving mechanism. Why would it be necessary for Bodin to have two driving mechanisms? The answer respectfully is no reason.

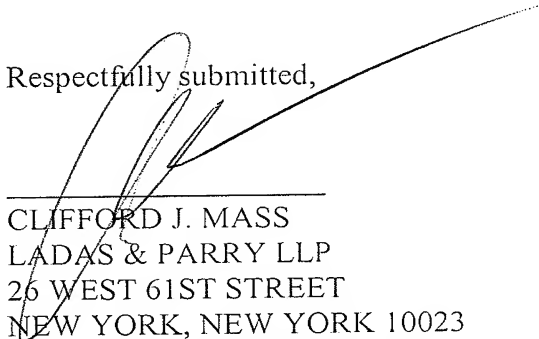
Further to the above, if a skilled addressee was to combine Bodin and Panasik, then the head of the threaded fastener would be fixed to the cap as described at column 3, lines 6 to 10 of Panasik. Panasik directs the reader to "tightly and securely" attach the cap to the head. Accordingly a combination of the two references would still have the threaded fastener rotate with the cap therefore also failing to provide an assembly in which the tool engaging portion is rotatable relative to the turn member (cap) as required by present claim 1.

It is therefore respectfully submitted that the invention as defined in amended claim 1 is not shown or suggested by either of the references whether considered separately or in combination.

In looking at the above two references, in summary it should be kept in mind that, in respect of each reference, when the threaded fastener is being driven the cap rotates with the threaded fastener with no intention of either having the cap rotatable relative to the screw as required by claim 1. This is not what is claimed in the present application in which the claims provide for relative rotation.

In view of the above, Applicant respectfully submits that the prior art rejections should be withdrawn and that the application is in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890